

REMARKS

Claims 1 and 3-39 remain pending in the above captioned patent application. Claims 36-39 were restricted out by the Examiner and are hereby withdrawn from consideration without prejudice. Claim 1 and claims 3-35 stand rejected.

Claims 1 and 33 have been amended to restore them to the recitations of the claims as originally filed. Claim 29 has been amended to more clearly point out and distinctly claim the subject matter, and to conform to other claims as filed. Claim 24 has been amended to correct a grammatical error. New claim 40 has been added to reinsert claim 2 as originally filed. New claim 41 has been added to more particularly point out and distinctly claim the subject matter. Claim 34 has been cancelled without prejudice to prosecuting the claim in any continuing prosecution arising out of the above captioned application or otherwise.

Claims 1, 3-11, 13, 14, 16-21 and 26-33² have been rejected under 35 U.S.C. § 102(b) as anticipated by Küchel (U.S. Patent No. 4872755). Claims 1 and 33 as originally filed and claim 29 as currently amended require, in part, beams (or wavefronts) that are "mutually orthogonally polarized beams of light [generated/emanating] from spatially separated sources." Küchel does not teach this. Küchel in the embodiment of, e.g., FIG. 1 teaches an optical delay line 10 which temporally but not spatially separates the beam of FIG. 1, which so far as applicants have discovered from Küchel, is not composed of mutually orthogonally polarized beams. Therefore, Küchel in FIG. 1 teaches neither mutually orthogonally polarized beams, nor such as are generated/emanate from spatially separate sources (origin points), as claimed.

In the embodiment of FIG. 6 of Küchel, the delay line 60 also includes a polarizer and a half wave plate with a polarizing beam splitter forming the input and output of the optical delay

² Claim 2 was apparently mistakenly included in the body of the Office Action, having previously been canceled. However, claim 2 has been reinserted in the application as new claim 41.

line. Once again, even to the extent that Küchel may be producing mutually orthogonally polarized beams/wavefronts, they are temporally separated by the optical delay line, but not generated/emanating from spatially separate sources (origin points).

Thus, Küchel does not anticipate any of independent claims 1, 29, 33 or new claim 41, or any of claims 3-11, 13, 14, 16-21, 26-28, and 30-32 (and new claim 40) that depend directly or indirectly from claim 1 or claim 29 as the case may be.

Claims 12, 15, 22-25, 34 and 35³ have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Küchel, claims 12, 15, and 22-25, and 35 depend directly or indirectly on claim 1. The deficiencies of Küchel vis-à-vis claim 1 are discussed above. For the reasons stated above, Küchel cannot render obvious any of claims 12, 15, 22-25 or 35. Küchel does not present a *prima facie* case for obviousness, whether or not the Examiner has an actual reference teaching any of the elements the Examiner admits are not in Küchel. As noted above, Küchel does not contain the disclosure for which the Examiner cites Küchel. Therefore the *prima facie* case of obviousness is lacking. Dependent claims 12, 15, 22-25, and 34 are allowable over Küchel well as for their own additional limitations.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

Added claim fees are being paid via EFS WEB in the amount of \$52.00.

³ Applicants assume the Examiner meant to include the rejection of claim 35, though it is not specifically referenced in the body of the Office Action.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Patent Office via the electronic filing procedure on May 21, 2009.

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